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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,258	05/20/2004	Fujihito Numano	253173US-2SDIV	7418
22850	7590	09/29/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PARK, ILWOO	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/849,258

Applicant(s)

NUMANO ET AL.

Examiner

Ilwoo Park

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/950,076.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/20/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-5 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Klein, US patent No. 6,038,672.

As to claim 1, Klein teaches a computer comprising:

means for reproducing audio data;

a switch [col. 4, lines 62-66] configured to instruct audio data reproduction;

means for activating [col. 2, line 60-col. 3, line 2] the computer by operation of said switch when the computer is powered off, is in a standby state, and in a pause state; and

control means for detecting [col. 3, lines 2-8] an activation factor during computer activation, and, if the activation factor is due to operation of said switch, initiating said reproducing means.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobs et al., US patent No. 6,073,187.

As to claim 1, Jacobs et al teach a computer comprising:

means for reproducing [CD-ROM drive 28] audio data;

a switch [area 409 in fig. 5] configured to instruct audio data reproduction;  
means for activating [col. 4, lines 24-27] the computer by operation of said switch  
when the computer is powered off, is in a standby state, and in a pause state; and  
control means for detecting [col. 4, lines 28-37] an activation factor during  
computer activation, and, if the activation factor is due to operation of said switch,  
initiating said reproducing means.

5. As to claim 3, Jacobs et al teach said computer comprises a main body that  
incorporates said reproducing means and a display section openably mounted on said  
main body and said switch provided at a portion of a surface of said main body to be  
exposed even while said display section closes said main body [fig. 5].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein, US  
patent No. 6,038,672 in view of Du et al., US patent No. 6,675,233.

As to claim 2, Klein teaches said reproducing means comprises first reproducing  
means [CD-ROM drive] for reproducing audio data stored in an optical disk medium.  
However, Klein does not expressly teach said reproducing means further comprises  
second reproducing means for reproducing audio data stored in a hard disk, said switch  
comprises a selection switch which selects one of the optical disk medium and hard disk,

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and said control means comprises an initiation section which initiates one of the first and second reproducing means in accordance with a selection made by said selection switch. Du et al teach a computer having a reproducing means comprises first reproducing means [CD-ROM drive 22] for reproducing audio data stored in an optical disk medium and second reproducing means [HDD 20] for reproducing audio data stored in a hard disk, a switch comprises a selection switch which selects [col. 4, lines 54-67] one of the optical disk medium and hard disk, and a control means comprises an initiation section which initiates [col. 6, lines 31-37] one of the first and second reproducing means in accordance with a selection made by said selection switch.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klein and Du et al because they both teach a computer having an audio data stored in an optical disk medium for reproducing music songs to a user and the Du et al's teaching of a computer further having an audio data stored in a hard disk would increase user convenience for storing and reproducing more songs not only in an optical disk medium but also in a hard disk in a hard drive of the computer.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs et al., US patent No. 6,073,187 in view of Oshima, US patent No. 5,473,583.

As to claim 4, Jacobs et al do not explicitly teach reproducing audio data in accordance with a play list for specifying a reproduction order of audio data, and means for acquiring identification information on audio data that has been reproduced immediately before, at the end of reproduction operation, and storing the acquired identification information at the start of a next reproduction, and wherein said control

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means comprises means for starting reproduction from audio data according to the stored identification information. Oshima teaches [col. 23, lines 8-28; figs 16 and 228] a computer having a reproducing means for reproducing audio data in accordance with a play list for specifying a reproduction order of audio data, and means for acquiring identification information on audio data that has been reproduced immediately before, at the end of reproduction operation, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the Oshima's teaching of a reproducing means for reproducing audio data in accordance with a play list for specifying a reproduction order of audio data, and means for acquiring identification information on audio data that has been reproduced immediately before, at the end of reproduction operation, and storing the acquired identification information at the start of a next reproduction, and wherein said control means comprises means for starting reproduction from audio data according to the stored identification information in order to increase user friendliness for playing music of Jacobs et al.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs et al. and Oshima as applied to claim 4 above, and further in view of Du et al., US patent No. 6,675,233.

As to claim 5, Jacobs et al and Oshima teach starting reproduction from audio data according to the stored identification information. However, Jacobs et al and Oshima do not disclose said reproducing means comprises first reproducing means for

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reproducing audio data stored in an optical disk medium and second reproducing means for reproducing audio data stored in a hard disk, said switch comprises a selection switch which selects one of the optical disk medium and hard disk, and said control means comprises an initiation section which initiates said second reproducing means when said selection switch selects the hard disk. Du et al teach a computer having a reproducing means comprises first reproducing means [CD-ROM drive 22] for reproducing audio data stored in an optical disk medium and second reproducing means [HDD 20] for reproducing audio data stored in a hard disk, a switch comprises a selection switch which selects [col. 4, lines 54-67] one of the optical disk medium and hard disk, and a control means comprises an initiation section which initiates [col. 6, lines 31-37] said second reproducing means when said selection switch selects the hard disk.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jacobs et al, Oshima, and Du et al because they both teach a computer having an audio data stored in an optical disk medium for reproducing music songs to a user and the Du et al's teaching of a computer further having an audio data stored in a hard disk would increase user convenience for storing and reproducing more songs not only in an optical disk medium but also in a hard disk in a hard drive of the computer.

### ***Conclusion***

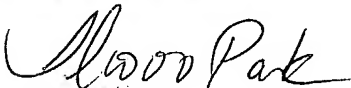
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (703) 308-7811 (will be changed to (571) 272-4155 during mid October, 2004). The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703) 308-3301 (also will be changed to (571) 272-4146 during mid October, 2004). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**ILWOO PARK**  
**PRIMARY EXAMINER**



Ilwoo Park

Primary Examiner

September 24, 2004